

---

---

# SENATE BILL No. 224

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 13-11-2; IC 13-28.5.

**Synopsis:** Indiana environmental assistance program. Establishes the Indiana environmental assistance program.

**Effective:** Upon passage.

---

---

### Gard

---

---

January 9, 2001, read first time and referred to Committee on Rules and Legislative Procedure.

---

---

C  
o  
p  
y



First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## SENATE BILL No. 224

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 13-11-2-17 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) "Board",
- 3 except as provided in subsections (b) through (j), refers to:
- 4 (1) the air pollution control board;
- 5 (2) the water pollution control board; or
- 6 (3) the solid waste management board.
- 7 (b) "Board", for purposes of IC 13-13-6, refers to the northwest
- 8 Indiana advisory board.
- 9 (c) "Board", for purposes of IC 13-17, refers to the air pollution
- 10 control board.
- 11 (d) "Board", for purposes of IC 13-18, refers to the water pollution
- 12 control board.
- 13 (e) "Board", for purposes of:
- 14 (1) IC 13-19;
- 15 (2) IC 13-20, except IC 13-20-18;
- 16 (3) IC 13-22;
- 17 (4) IC 13-23, except IC 13-23-11;



- 1 (5) IC 13-24; and  
 2 (6) IC 13-25;  
 3 refers to the solid waste management board.  
 4 (f) "Board", for purposes of IC 13-20-18, refers to the board of  
 5 managers of the Indiana institute on recycling.  
 6 (g) "Board", for purposes of IC 13-21, refers to the board of  
 7 directors of a solid waste management district.  
 8 (h) "Board", for purposes of IC 13-23-11, refers to the underground  
 9 storage tank financial assurance board.  
 10 (i) "Board", for purposes of IC 13-26, refers to the board of trustees  
 11 of a regional water, sewage, or solid waste district.  
 12 (j) "Board", for purposes of IC 13-27 and IC 13-27.5, refers to the  
 13 clean manufacturing technology board.

14 **(k) "Board", for purposes of IC 13-28.5, refers to the Indiana**  
 15 **environmental assistance program board established by**  
 16 **IC 13-28.5-2-1.**

17 SECTION 2. IC 13-11-2-31.4, AS ADDED BY P.L.140-2000,  
 18 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 UPON PASSAGE]: Sec. 31.4. "Combined sewer", for purposes of  
 20 sections 31.3, 31.6, and 120.5 of this chapter, ~~and~~ IC 13-18, ~~and~~  
 21 **IC 13-28.5-3** means a sewer that is designed, constructed, and used to  
 22 receive and transport combined sewage.

23 SECTION 3. IC 13-11-2-40 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 40. "Confined  
 25 feeding operation", for purposes of IC 13-18-10 ~~and~~ **IC 13-28.5-3**  
 26 means:

- 27 (1) any confined feeding of:  
 28 (A) at least three hundred (300) cattle;  
 29 (B) at least six hundred (600) swine or sheep; and  
 30 (C) at least thirty thousand (30,000) fowl;  
 31 (2) any animal feeding operation electing to be subject to  
 32 IC 13-18-10; or  
 33 (3) any animal feeding operation that is causing a violation of:  
 34 (A) water pollution control laws;  
 35 (B) any rules of the water pollution control board; or  
 36 (C) IC 13-18-10.

37 A determination by the department under this subdivision is appealable  
 38 under IC 4-21.5.

39 SECTION 4. IC 13-11-2-54.5 IS ADDED TO THE INDIANA  
 40 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 41 [EFFECTIVE UPON PASSAGE]: **Sec. 54.5. "Directors", for**  
 42 **purposes of IC 13-28.5, refers to the Indiana environmental**

C  
o  
p  
y



1 **assistance directors appointed under IC 13-28.5-3-1.**

2 SECTION 5. IC 13-11-2-172, AS AMENDED BY P.L.132-1999,  
3 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 UPON PASSAGE]: Sec. 172. (a) "Program", for purposes of  
5 IC 13-18-13, refers to the wastewater revolving loan program  
6 established by IC 13-18-13-1.

7 (b) "Program", for purposes of IC 13-18-21, refers to the drinking  
8 water revolving loan program established by IC 13-18-21-1. The term  
9 does not include the supplemental program.

10 (c) "Program", for purposes of IC 13-19-5, refers to the  
11 environmental remediation revolving loan program established by  
12 IC 13-19-5-1.

13 (d) "Program", for purposes of IC 13-23, refers to an underground  
14 storage tank release:

- 15 (1) detection;
- 16 (2) prevention; and
- 17 (3) correction;

18 program created in accordance with the requirements of IC 13-23 or  
19 IC 13-7-20 (before its repeal).

20 **(e) "Program", for purposes of IC 13-28.5, refers to the Indiana**  
21 **environmental assistance program established under IC 13-28.5-3.**

22 SECTION 6. IC 13-28.5 IS ADDED TO THE INDIANA CODE AS  
23 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON  
24 PASSAGE]:

25 **ARTICLE 28.5. INDIANA ENVIRONMENTAL ASSISTANCE**  
26 **PROGRAM**

27 **Chapter 1. Applicability and Definitions**

28 **Sec. 1. The definitions in this chapter apply throughout this**  
29 **article.**

30 **Sec. 2. "Board" has the meaning set forth in IC 13-11-2-17(k).**

31 **Sec. 3. "Directors" has the meaning set forth in IC 13-11-2-54.5.**

32 **Sec. 4. "Program" has the meaning set forth in**  
33 **IC 13-11-2-172(e).**

34 **Chapter 2. Environmental Assistance Program Board**

35 **Sec. 1. The Indiana environmental assistance program board is**  
36 **established.**

37 **Sec. 2. (a) Except as provided in subsection (b), the board**  
38 **consists of fifteen (15) members.**

39 **(b) By an affirmative vote of at least two-thirds (2/3) of the**  
40 **members of the board, the board may increase the size of the board**  
41 **to a maximum of eighteen (18) members. Each member added**  
42 **under this subsection must be drawn from an environmental**

C  
o  
p  
y



subject area or constituency not represented on the board that the board determines should be represented.

(c) The board includes the following members from Purdue University:

- (1) The vice president for research.
- (2) The dean of engineering.
- (3) The dean of agriculture.

(d) The commissioner is a member of the board.

(e) The governor shall appoint nine (9) members of the board as follows:

- (1) One (1) environmental manager of an industrial company.
- (2) One (1) environmental manager of an agribusiness company.
- (3) One (1) manager of a municipal waste treatment facility.
- (4) One (1) member of an environmental consulting firm.
- (5) One (1) attorney in the practice of environmental law.
- (6) One (1) member of an environmental public policy organization.
- (7) One (1) farmer.
- (8) One (1) representative from the Indiana Association of Cities and Towns.
- (9) One (1) representative from the Association of Indiana Counties.

(f) The president pro tempore of the senate shall appoint one (1) member of the senate environmental affairs committee as a member of the board.

(g) The speaker of the house of representatives shall appoint one (1) member of the house environmental affairs committee as a member of the board.

Sec. 3. (a) An appointed member of the board serves at the pleasure of the appointing authority of the member.

(b) The term of office of an appointed member of the board:

- (1) is four (4) years; and
- (2) continues until the member's successor is appointed.

(c) An appointed member of the board may not serve more than two (2) consecutive terms.

(d) If a vacancy occurs in the appointed membership of the board, the appointing authority of the member shall appoint a member to:

- (1) fill the vacancy for the remainder of the unexpired term; and
- (2) serve at the pleasure of the appointing authority.



1       **Sec. 4.** An appointed member of the board is not entitled to the  
 2       minimum salary per diem provided by IC 4-10-11-2.1(b). An  
 3       appointed member of the board is, however, entitled to  
 4       reimbursement for traveling expenses as provided under  
 5       IC 4-13-1-4 and other expenses actually incurred in connection  
 6       with the duties of the member as provided in the state policies and  
 7       procedures established by the Indiana department of  
 8       administration and approved by the budget agency.

9       **Sec. 5. (a)** The board members shall elect:

10       (1) a chairperson of the board from among the members listed  
 11       in section 2(c) of this chapter;

12       (2) a vice chairperson of the board from among the members  
 13       of the board; and

14       (3) other officers as necessary from among the members of the  
 15       board.

16       **(b)** The chairperson shall do the following:

17       (1) Act as the executive and operating officer of the board.

18       (2) Determine the time and place of meetings.

19       (3) Preside at meetings.

20       (4) Carry out the policy decisions of the board.

21       (5) Perform all other duties and functions assigned by the  
 22       board or by law.

23       **Sec. 6. (a)** The board shall meet at least quarterly.

24       **(b)** The meetings of the board shall be open to the public under  
 25       IC 5-14-1.5.

26       **(c)** The chairperson of the board shall cause notice of meetings  
 27       to be given in accordance with IC 5-14-1.5.

28       **Sec. 7. (a)** The chairperson of the board shall afford any person  
 29       attending a public meeting of the board an opportunity to comment  
 30       through oral or written presentation.

31       **(b)** The board shall:

32       (1) retain all written comments submitted; and

33       (2) make all written comments available for public inspection.

34       **Sec. 8. (a)** A majority of the members of the board constitutes a  
 35       quorum for doing business.

36       **(b)** A majority vote of all of the board members is required for  
 37       passage of any matter put to a vote.

38       **(c)** The board shall establish procedures and requirements  
 39       governing the conduct of the board's meetings.

40       **Sec. 9.** The board shall do the following:

41       (1) Assess the progress of the Indiana environmental  
 42       assistance program established under IC 13-28.5-3 in

C  
O  
P  
Y



implementing this article.

(2) Provide a forum for discussion and deliberation on matters pertaining to the implementation of this article.

(3) Receive public complaints and inquiries concerning the implementation of this article.

(4) Review the annual reports submitted by the directors under IC 13-28.5-3-7.

(5) Approve the proposed biennial budget request of the directors.

(6) Prepare and file with the budget agency a written statement required under IC 4-12-1-7 for the program.

(7) At public meetings concerning the budget, present the biennial budget request of the directors.

Sec. 10. The board, on the board's own initiative or at the request of the public, may direct the program to study and formulate recommendations on particular issues and problems that arise concerning the implementation of this article.

Sec. 11. The board may direct the program to:

(1) conduct research studies and programs;

(2) collect and analyze data; and

(3) prepare reports, charts, and tables.

### Chapter 3. Indiana Environmental Assistance Program

Sec. 1. Purdue University shall:

(1) establish:

(A) the manufacturing environmental assistance division of the technical assistance program in the department of engineering;

(B) the agricultural and community environmental assistance division of the cooperative extension service in the department of agriculture; and

(C) the needs based applied research division of the environmental sciences and engineering institute in the research department; and

(2) appoint a director with respect to each of the divisions established under subdivision (1).

The directors appointed under subdivision (2) comprise the Indiana environmental assistance directors.

Sec. 2. (a) The directors shall establish and operate the Indiana environmental assistance program for the benefit of Indiana manufacturing companies, agricultural businesses, and communities to:

(1) provide comprehensive training with respect to current

C  
o  
p  
y



and pending environmental regulations, including regulations concerning:

- (A) wastewater discharge;
- (B) storm water;
- (C) air quality; and
- (D) hazardous materials;
- (2) develop custom data bases for environmental management;
- (3) assess and develop soil management strategies to protect soil quality and prevent loss of soils from surface runoff;
- (4) assess and develop alternative treatment technologies for disposal and treatment of wastes from confined feeding operations;
- (5) develop comprehensive nutrient management plans to:
  - (A) comply with confined feeding regulations; and
  - (B) estimate and justify:
    - (i) application by livestock producers of manure to crop land; and
    - (ii) the manner in which commercial fertilizer is used;
- (6) assess and develop plans for modification of animal rations to reduce the amount of nitrogen and phosphorus that must be land applied;
- (7) develop programs for reduction of odors and dust emissions from agricultural operations;
- (8) assess and develop improved agricultural drainage systems for:
  - (A) the prevention of loss of water, nutrients, and other materials; and
  - (B) the improvement of crop rotation and the quality of discharge water;
- (9) document and publish information about county watersheds and water resources;
- (10) assess relationships between land use and water quality for the purpose of developing Internet based tools that support county and community planning;
- (11) develop wellhead protection plans;
- (12) assess and develop improved means for addressing:
  - (A) combined sewer overflows;
  - (B) urban runoff;
  - (C) individual and small community septic systems; and
  - (D) septage disposal;
- (13) develop long term control plans in compliance with total

C  
o  
p  
y





maximum discharge loading under the federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and regulations adopted under the federal Water Pollution Control Act;

(14) provide information and assistance on other regulatory compliance and environmental management issues;

(15) assess other significant environmental challenges in Indiana;

(16) fund needs based applied research on any of the subject areas and issues identified in this section;

(17) study and formulate recommendations on particular issues and problems that arise concerning the implementation of this article as directed by the board; and

(18) at the direction of the board:

(A) conduct research studies and programs;

(B) collect and analyze data; and

(C) prepare reports, charts, and tables.

(b) The program has no role in regulatory enforcement.

Sec. 3. Purdue University shall, in cooperation with the directors, develop and submit to the environmental assistance program board for approval the biennial budget request of the program.

Sec. 4. The directors may contract duties authorized by the board with any public or private entity in order to augment the implementation of this article. However, the program shall maintain administrative and policy control over the work contracted under this section.

Sec. 5. The program may establish fees, tuitions, or other financial charges for the services of the program.

Sec. 6. The directors shall meet at least monthly to:

(1) address the current administrative and operational requirements of the program; and

(2) plan future operations and research.

Sec. 7. (a) Before January 1 of each year, the directors shall prepare and submit to:

(1) the governor;

(2) the board; and

(3) the legislative council;

a report on the program's operations and activities under this chapter, including the status, funding, and results of all projects.

(b) The report must do the following:

(1) Include recommendations the program has for legislation.

(2) Identify state and federal economic and financial

C  
o  
p  
y



incentives that can best accelerate and maximize the work of the program.

(3) Include a proposed work plan for the following year.

(4) Include information on:

(A) receipts of state, federal, and private money; and

(B) expenditures.

Sec. 8. (a) Except as provided in section 9 of this chapter, the program shall make any:

(1) study;

(2) report;

(3) assessment; or

(4) analysis;

prepared by the program under this chapter available to the public.

(b) The program may provide any document described in subsection (a):

(1) free of charge; or

(2) at a reduced charge;

to a person that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code.

Sec. 9. (a) Information provided to the program by a manufacturing company or agricultural business may not be disclosed to the public without the consent of the manufacturing company or agricultural business.

(b) Inquiries made to the program and activities and documents of the program that identify or describe an individual facility or operation are confidential, unless a clear and immediate danger to the public health or environment exists. Information concerning inquiries, activities, and documents of the program that identify or describe an individual facility or operation may not be disclosed to the public without the consent of the person who:

(1) made the inquiry;

(2) participated in the activity; or

(3) provided the document.

SECTION 7. An emergency is declared for this act.

C  
o  
p  
y

